

Applicants: Stewart Shuman, et al.

Serial No.: 10/666,486

Filed: September 19, 2003

Page 3 of 5 of Amendment in Response to December 15, 2008 Office Communication

Amendment to the Sequence Listing

Please replace the Sequence Listing currently on file with the replacement Sequence Listing attached hereto as **Exhibit B**.

Applicants: Stewart Shuman, et al.
Serial No.: 10/666,486
Filed: September 19, 2003
Page 4 of 5 of Amendment in Response to December 15, 2008 Office Communication

REMARKS

Applicants have hereinabove amended the specification to correct a figure description and to insert a replacement Sequence Listing.

The December 15, 2008 Office Communication, a copy of which is attached hereto as **Exhibit A**, indicates that the application fails to comply with the Sequence Listing requirements of 37 C.F.R. §1.821-1.825. Specifically, the Communication asserts that in a Communication filed November 14, 2007 (actually filed November 12, 2007), a CRF disk was listed but could not be located within applicants' response. Furthermore, the December 15, 2008 Communication also indicates that Fig. 11A has a listing of six sequences, but the figure contains five sequences and does not contain SEQ ID NO. 32.

In response, applicant encloses a paper copy Sequence Listing as **Exhibit B**, a computer diskette containing a copy of the Sequence Listing in computer readable format as **Exhibit C**, and a Statement in Accordance with 37 C.F.R. §§1.821(f) and 1.825(a) attached as **Exhibit D**.

In addition, applicants have also amended the specification in order to comply with the requirements of C.F.R. §1.821-1.825. Applicants note that SEQ ID NO. 32 is correctly identified on page 38, line 23. This Amendment raises no issue of new matter, and applicants respectfully request entry of this Amendment.

Applicants: Stewart Shuman, et al.

Serial No.: 10/666,486

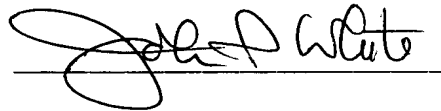
Filed: September 19, 2003

Page 5 of 5 of Amendment in Response to December 15, 2008 Office Communication

If a telephone conference would be of assistance in advancing prosecution of this application, applicant's undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee is deemed necessary in connection with the filing of this Amendment. However, if any additional fee is required, authorization is hereby given to charge the amount of such additional fee to Deposit Account No. 03-3125.

Respectfully submitted,



John P. White
Registration No. 28,678
Attorney for Applicants
Cooper & Dunham LLP (Customer #23432)
30 Rockefeller Plaza
20th Floor
New York, New York 10112
(212) 278-0400

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450.

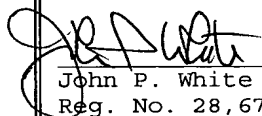
 11/6/09
John P. White Date
Reg. No. 28,678

Exhibit A

Applicants: Stewart Shuman et al.

Serial No.: 10/666,486

Filed: September 19, 2003



UNITED STATES DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

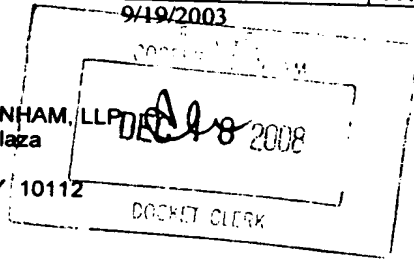
Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO/ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10666486	9/19/2003	SHUMAN ET AL.	1784/53661-AA

COOPER & DUNHAM, LLP
30 Rockefeller Plaza
20th Floor
NEW YORK, NY 10112



EXAMINER

NARAYAN K. BHAT

ART UNIT	PAPER
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1634

20081208

DATE MAILED:

Sequence listing Due 11/15/09

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Applicant's response filed October 9, 2008 is acknowledged.

However, it is noted that the application is not sequence compliant because it is missing a CRF. The reply filed by the Applicants on November 14, 2007 indicated that a substitute CRF containing the sequence information was submitted. It appears that Applicants submitted a paper copy of the sequence, but a CRF in a disk or CD could not be located in the response.

Applicants are required to submit the disk or CD containing the sequence as originally filed.

Furthermore, a review of the amendments to the specification filed by the Applicant on August 30, 2007 indicated that Fig. 11 has SEQ ID NO 28-32 (pg. 11, second paragraph). However, Fig. 11A has listing of six sequences and does not contain SEQ ID NO # 32. Applicants are required to carefully review the figure 11A and assign proper SEQ ID NO for each of the sequences listed.

APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to comply with the response.

Please direct all replies to the United States Patent and Trademark Office via one (1) of the following:

1. Electronically submitted through EFS-Bio (<<http://www.uspto.gov/efb/efs/downloads/documents.htm>>, EFS Submission User Manual - ePAVE)
2. Mailed to:
Mail Stop Sequence
Commissioner for Patents
P.O. Box 22313 1450
Alexandria, VA 22313 1450
3. Hand Carry, Federal Express, United Parcel Service or other delivery service to:
U.S. Patent and Trademark Office
Mail Stop Sequence
Customer Window
Randolph Building

Applicants: Stewart Shuman, et al.
Serial No.: 10/666,486
Filed: September 19, 2003
Exhibit A

401 Dulaney Street
Alexandria, VA 22314.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ram R. Shukla/
Supervisory Patent Examiner, Art Unit 1634

PTO-90C (Rev.04-03)



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/666,486

09/19/2003

Stewart Shuman

1784/53661-AA

8020

23432 7590 12/15/2008
COOPER & DUNHAM, LLP
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NEW YORK, NY 10112

EXAMINER

BHAT, NARAYAN KAMESHWAR

ART UNIT

PAPER NUMBER

1634

MAIL DATE

DELIVERY MODE

12/15/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Exhibit B

Applicants: Stewart Shuman et al.

Serial No.: 10/666,486

Filed: September 19, 2003



sequence listing.ST25v2
SEQUENCE LISTING

<110> Shuman, Stewart
Sekiguchi, JoAnn
Comiskey, John
Fernandez, Joseph
Hoeffler, James
Marcil, Robert

<120> Topoisomerase-Based Reagents and Methods for Molecular Cloning

<130> 1784/53661-AA

<140> 10/666,486

<141> 2003-09-19

<160> 45

<170> PatentIn version 3.5

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<213> artificial

<220>

<223> topoisomerase binding sequence

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5

<210> 2

<211> 5

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<220>

<221> misc_feature

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ncctt

5

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18

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sequence listing.ST25v2

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sequence listing.ST25v2

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16

<210> 14

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sequence listing.ST25v2

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sequence listing.ST25v2

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sequence listing.ST25v2

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sequence listing.ST25v2

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sequence listing.ST25v2

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sequence listing.ST25v2

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 <220>
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sequence listing.ST25v2

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Exhibit C

Applicants: Stewart Shuman et al.

Serial No.: 10/666,486

Filed: September 19, 2003

Floppy Disk/CD Mailer

FIRST CLASS MAIL

Docket No. 1784 / 53661 - AA

JPW/BJA/LCM

COOPER & DUNHAM LLP

30 ROCKEFELLER PLAZA
NEW YORK, N.Y. 10112

TO:

Mail Stop Sequence
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

File Name: sequence
listing.ST25v2
Date Recorded: 12/22/08
Computer: IBM PC Compatible
Operating System: Windows
Software: PatentIn 3.5
Applicant: Stewart Shuman
Application No.: 10/666,486
Filed: September 19, 2003

Applicants: Stewart Shuman, et al.
Serial No.: 10/666,486
Filed: September 19, 2003
Exhibit C

Exhibit D

Applicants: Stewart Shuman et al.

Serial No.: 10/666,486

Filed: September 19, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Stewart Shuman, et al.

Serial No. : 10/666,486

Examiner: N. Bhat

Filed : September 19, 2003

Art Unit: 1634

For : TOPOISOMERASE-BASED REAGENTS AND METHODS FOR
MOLECULAR CLONING

30 Rockefeller Plaza
20th Floor
New York, New York 10112
January 6, 2009

Mail Stop Sequence
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Sir:

STATEMENT IN ACCORDANCE WITH 37 C.F.R. §§1.821(f) and 1.825(a)

In accordance with 37 C.F.R. §1.821(f), I hereby certify that the computer readable form containing the nucleic acid and/or amino acid sequences required by 37 C.F.R. §1.821(e) and submitted herewith in connection with the above identified application, has the same information as the paper copy of the Sequence Listing, filed herewith as Exhibit B. In accordance with 37 C.F.R. §1.825(a), I further certify that the Sequence Listing contains the same information set forth in the specification and that the Sequence Listing does not introduce new matter.

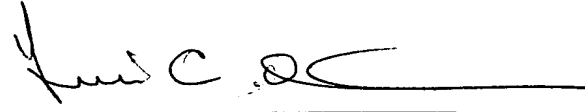
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code

Applicants: Stewart Shuman, et al.
Serial No.: 10/666,486
Filed: September 19, 2003
Exhibit D

Applicant : Stewart Shuman, et al
Serial No. : 10/666,486
Filed : September 19, 2003
Page 2 of 2: Statement in Accordance With 37 C.F.R. §§1.821(f)
and 1.825(a)

and that such willful false statements may jeopardize the
validity of the application or any patent issued thereon.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Luis C. Muniz", is written over a horizontal line.

Luis C. Muniz, Ph.D.
c/o Cooper & Dunham LLP
30 Rockefeller Plaza
20th Floor
New York, New York 10112
(212) 278-0400